

Claudette P

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUL 31 2003

OFFICE OF
MANAGING DIRECTOR

William H. Fitz
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401

RE: Request of Benedek License Corporation Waiver of
FY 2000 Regulatory Fee and Penalty Earth Station
E870003 (Regulatee: The Chronicle Publishing Company)
Fee Control Number 00000 RROG 02 102

Dear Mr. Fitz:

This is in response to your request dated July 10, 2002, (Request) filed on behalf of Benedek License Corporation (Benedek) to waive the FY 2000 regulatory fee and penalty, \$175 and \$43.75, respectively, pertaining to transportable earth station authorization E870003. For the reasons discussed below, we find that Benedek is not responsible for the regulatory fee; consequently, we dismiss the Request as moot and cancel Bill Number 2001-91-0126.¹

Introduction

On August 14, 1997, The Chronicle Publishing Company (Chronicle) applied to renew earth station license E870003² and for authorization to construct and operate a new earth station (call sign E970419).³ In response, on August 29, 1997, pursuant to delegated authority, the International Bureau (Bureau) granted the renewal of E870003 for the term June 26, 1997 to June 26, 2007.⁴ Later, on October 17, 1997, pursuant to delegated authority, the Bureau granted Chronicle authority to construct and operate the new earth station E970419, the term of which ran from October 17, 1997 to October 17, 2007. Thereafter, as part of an effort to sell off its assets and dissolve its status, Chronicle applied for consent to assign earth station E970419 to Benedek,⁵ which the Bureau consented to on February 25, 2000.⁶ Benedek states that since the sale of KAKE-TV, Chronicle has not been in the broadcast business, and it has no operations

¹ The Bill in question was sent to The Chronicle Publishing Company, former licensee of KAKE-TV, Wichita, KS, which license was assigned to Benedek in 1999. The earth station authorization was used in connection with the operation of KAKE-TV, but it was not assigned with the broadcast license.

² Public Notice (PN), *Satellite Communications Services: Report No. DS-1776*, September 3, 1997, 1997 WL 536396 (FCC).

³ PN, *Satellite Communications Services Information: Report No. DS-1765*, September 3, 1997, 1997 WL 536444 (FCC).

⁴ PN, *Satellite Communications Services, Report No. DS-1766*, September 3, 1997, 1997 WL 536396 (FCC).

⁵ PN, *Satellite Communications Services, Report No. SES-00148*, January 19, 2000, 2000 WL 35658 (FCC). In its request, Chronicle noted, "Call sign E850153 will not be included with this assignment of license, because the license has expired." Call sign E850153 was in the name of Chronicle Broadcasting of Omaha, Inc (d/b/a WOWT TV).

⁶ PN, *Satellite Communications Services Information, Report No. SES-00161*, March 1, 2000, 2000 WL 228477 (FCC).

related to the use of the earth station.⁷ In addition, the media reported Chronicle's successful dismantling, and thereafter Chronicle apparently dissolved its status as a Nevada corporation as well as its California business registration.⁸ Notwithstanding Chronicle's various applications pertaining to earth station E970419, and the Commission's actions thereon, nothing affected earth station E870003 and the Commission's records show that it was operational and licensed to Chronicle until June 28, 2002, at which time Benedek surrendered the license.⁹

Discussion

The Commission granted Chronicle's renewal application for earth station license, E870003, for the term from June 26, 1997 to June 26, 2007. Once the Commission renewed the license, Chronicle was obligated to comply with the Commission's rules, pay annual regulatory fees,¹⁰ and pertinent to the matter at hand, Chronicle was "required to notify the Commission when [its] receive-only earth station [was] no longer operational or when it h[ad] not been used to provide any service during any 6 month period."¹¹ Alternatively, and to the extent that Chronicle intended to assign or transfer control of the authorization for earth station E870003, it was required to apply to the Commission for such authorization.¹² Because Chronicle did not notify the Commission that earth station E870003 was no longer operational or not used to provide any service, and Chronicle did not apply to assign or transfer the authorization, Chronicle was responsible for the annual regulatory fees until a change was accomplished, *e.g.*, it surrendered the license. During the pertinent period, we have no evidence that Benedek was either the assignee of earth station E870003 or the legal successor to the obligations of Chronicle. Consequently, Chronicle, not Benedek, is financially responsible for the regulatory fee. However, Chronicle surrendered its registration to conduct business and it has dissolved its corporate status.

⁷ We understand that the earth station was a news gathering receiver used to support the broadcast operations of the television station.

⁸ We have no record that Chronicle notified the Commission of the dissolution or that it requested final billing of its unpaid obligations.

⁹ PN, *Satellite Communications Services Information, Report No. SES-00415*, July 31, 2002, 2002 WL 1765977 (FCC). Benedek states, however, that earth station E870003 was not in use after Chronicle received authorization for earth station E970419.

¹⁰ 47 U.S.C. 159; 47 CFR § 1.1151.

¹¹ 47 CFR § 131(i).

¹² 47 CFR § 25.119.

Mr. William H. Fitz

3.

Conclusion

Because Chronicle was the regulatee during the pertinent period, Benedek is not financially responsible for the fee and penalty. Accordingly, we dismiss the request for a waiver as being moot and cancel the Bill. If you have any questions concerning this letter, you may call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a stylized flourish at the end.

 Mark A. Reger
Chief Financial Officer

Recording Request By:
CSC
1090 Vermont Ave., NW, #430
Washington, DC 20005

When Recorded Mail to:
CSC
1090 Vermont Ave., NW, #430
Washington, DC 20005

Filing Type: UCC-1

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DOC # 1997-0181831
21-APR-1997 11:26 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER
RF: 14.00 FEES: 35.00
AF: 19.00
MF: 1.00
CF: 1.00

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW WASHINGTON, DC
WASHINGTON, DC 20004-2401 NEW YORK
TEL 202.682.8000 LONDON
FAX 202.682.8201 BRUSSELS
WWW.COV.COM SAN FRANCISCO

WILLIAM H. FITZ
TEL 202.682.8130
FAX 202.178.5128
WFITZ@COV.COM

July 10, 2002

BY HAND

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Attn: International Bureau
Satellite Earth Station Licensing

RECEIVED

JUL 10 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

E870003
formerly used with **KAKE-TV, Wichita, KS**
SES-RWL-19970814-01125
Surrender of License for Cancellation

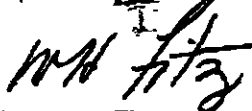
Dear Ms. Dortch:

Benedek License Corporation ("Benedek"), respectfully requests that the authorization for Domestic Satellite Temporary Fixed earth station license E870003 be cancelled effective October 17, 1997. E870003 is the authorization for a satellite newsgathering (SNG) facility that was used with KAKE-TV, Wichita, Kansas, prior to October 17, 1997. Benedek acquired KAKE-TV from The Chronicle Publishing Company ("Chronicle") on March 31, 2000.

As noted in the attached letter to Ms. Pride of the Revenue & Receivable Operations Group, in mid-1997, Chronicle, the then-licensee of KAKE-TV, discovered that the authorization for E870003 had expired and it obtained a new modified authorization, E970419, to replace it. E870003 was no longer used following the issuance of the license for E970419 (as noted, Chronicle believed that E970419 replaced E870003). As part of its acquisition of KAKE-TV in 2000, Benedek acquired E970419, but not E870003 - which Chronicle considered to have been replaced. To correct FCC records, the authorization for E870003 is being surrendered and should be cancelled.

Any questions concerning this matter may be directed to the undersigned.

Respectfully yours,



William H. Fitz
Counsel for Benedek License Corporation

Attachment

00000RR06-02-102

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004-2401
TEL 202.662.6000
FAX 202.662.6291
WWW.COV.COM

WASHINGTON, DC
NEW YORK
LONDON
BRUSSELS
SAN FRANCISCO

FACSIMILE

11/19/02

DATE	TOTAL PAGES W/COVER	SUITE
July 10, 2002	6	1043G

FROM	EMAIL	FAX	TEL
Sarah McMeans	smcmeans@cov.com	(202) 778-5015	(202) 662-5015

TO	FAX	TEL
Claudette Pride	(202) 418-2843	(202) 418-1995

Re: FY 2000 Regulatory Fee of E870003 (2002-91-0126)

Bill Fitz asked me to fax to you the attached response to your letter of June 5. On July 8, we were given a brief extension of time to submit this response to permit contact with client personnel who were on vacation.

We are sending the signed original of this letter to the FCC via First Class Mail today.

RECEIVED SEP 24 2002

COVINGTON & BURLING

1301 PENNSYLVANIA AVENUE NW WASHINGTON, DC
WASHINGTON, DC 20004-2401 NEW YORK
TEL 202.682.6000 LONDON
FAX 202.682.6281 BRUSSELS
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WILLIAM H. FITZ
TEL 202.682.5120
FAX 202.776.5120
WFITZ@COV.COM

July 10, 2002

VIA FACSIMILE & FIRST CLASS MAIL

Ms. Claudette E. Pride
Federal Communications Commission
Revenue & Receivables Operations Group
445 12th Street, S.W., Room 1 A821
Washington, DC 20554

**Re: 2002-91-0126
E870003, FY 2000 Regulatory Fee
Response to Letter of June 5, 2002**

Dear Ms. Pride:

This letter is a response to your letter of June 5, 2002, regarding payment of the above-referenced FY 2000 regulatory fee, which was addressed to The Chronicle Publishing Company ("Chronicle") at P.O. Box 7566, Washington DC. We respectfully request waiver of the FY 2000 regulatory fee and penalty because E870003 was no longer in use by any party after October 17, 1997 and had been replaced by another authorization for which the regulatory fee was duly paid. E870003 is the call sign of a former transportable earth station, which was used for satellite newsgathering (SNG) by KAKE-TV, Wichita, Kansas, prior to October 17, 1997. As noted below, in late 1997 a new license was issued for this facility with the call sign E970419. After late 1997, KAKE-TV has used E970419 for its SNG activities and not E870003.

The source of the confusion may be that in 1997, Chronicle, as then licensee of KAKE-TV, was issued a construction permit and license for E970419 in lieu of a modified license for E870003. Due to oversight, the E870003 license expired shortly before Chronicle was ready to submit a modification application. The International Bureau issued authorizations in response to both a late-filed renewal application of E870003 and the application for a new station (which was submitted in lieu of a modification application), in spite of the fact that Chronicle explained that the application for a new authorization was submitted in lieu of, and in substitution for, an application for modification of E870003. In 1999, Chronicle assigned the broadcast station license of KAKE-TV to Benedek License Corporation ("Benedek"). In that transaction, the license of E970419 was assigned to Benedek (but not E870003, which was considered to have been replaced by E970419). Chronicle did not assign the license of E870003, because the facilities in that license were no longer in use and Chronicle believed the license was no longer valid. Because satellite earth station E870003 was not in use by any party at any time since 1997 and the regulatory fee for

COVINGTON & BURLING

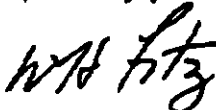
Ms. Claudette E. Pride
July 10, 2002
Page Two

what was considered the replacement authorization was duly paid, the public interest is served by waiving any FY 2000 fee for E870003.

Since the sale of KAKE-TV, Chronicle has not been in the broadcast business, and to our knowledge, no longer has any operating divisions. As noted, when Benedek purchased KAKE-TV in March 2000, it acquired the license for E970419 and not the license for E870003 (which had not been in use since October 1997). To help clarify the FCC's records, under separate cover (copy attached), we are requesting that the license for E870003 be cancelled effective October 17, 1997.

Any questions concerning this matter may be directed to the undersigned.

Respectfully yours,



William H. Fitz
Counsel for Benedek License Corporation

Attachment

07/10/2002 15:28 LIVINGSTON & BURLING 1021 - 94182843 NO. 537 D04

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Office Of
Managing Director

The Chronicle Publishing Company
PO Box 7566
Washington, DC 20044-7566

JUN 05 2002

Re: 2001-9I-0126

Dear Licensee:

This letter is a final demand for payment in reference to a bill that was issued by the Federal Communications Commission that remains unpaid. The enclosed billing document indicates the reason for this bill. Your account is seriously past due and requires immediate attention.

You are cautioned that failure to respond and/or pay this debt will subject you to sanctions as defined by 31 U.S.C. §3717 and 4 C.F.R. Part 102. The Debt Collection Improvement Act of 1996 as amended gave Federal Government agencies the authority to report and refer delinquent debts to the U.S. Treasury Department for further collection action. If payment is not received within 30 days from the date of this letter, your account will be assessed further penalties, which can be as high as 11 percent, and referred to the U.S. Treasury for collection. Please mail your payment along with a copy of the enclosed bill to the following address:

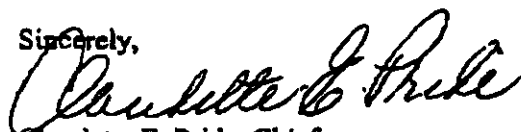
Federal Communications Commission
P.O. Box 358835
Pittsburgh, PA 15251-5835

If you have any documentation that will establish that the debt was paid, such as a canceled check, or any other supporting information, please submit this information along with a copy of this letter. You may provide any documentation that will support a claim of financial hardship. Such information as profit and loss statements can be used in these instances. Your documentation and/or remittance must be mailed to the Federal Communications, along with a copy of the enclosed bill to the following address:

Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 12th Street, S.W., Room 1A821
Washington, DC 20554

If you have any questions, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Claudette E. Pride, Chief
Revenue & Receivables Operations Group

Enclosures

Federal Communications Commission
BILL FOR COLLECTIONFOR INQUIRIES CALL
1-202-418-1985
(Credit and Debt Management Group)

Bill Number		Bill Date		Please write your bill number on your remittance.																					
2001-91-0126		06/05/02																							
THE CHRONICLE PUBLISHING COMPANY PO BOX 7568 WASHINGTON, DC 20044-7568				Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission Credit and Debt Management Group P. O. Box 358835 PITTSBURGH, PA 15251-5335																					
Total Amount Due		Total Amount Due Must Be Received By		Due Date																					
\$218.75				07/05/02																					
THE 2000 REGULATORY FEE WAS DUE TO THE FCC NO LATER THAN SEPTEMBER 22, 2000. RESEARCH INDICATE THAT WE HAVE NO RECORD OF PAYMENT FOR THE FOLLOWING EARTH STATION: E870003 AMOUNT NOW DUE IS \$175.00 PLUS 25% PENALTY OF \$43.75 FOR LATE PAYMENT. TOTAL AMOUNT NOW DUE IS \$218.75.																									
Please attach a copy of this bill to your payment to ensure proper credit.																									
Payment Type Code				Quantity	Fee Due																				
0	0	7	3	1	\$175.00																				
0	0	9	9	1	\$43.75																				
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I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.																									
AUTHORIZED SIGNATURE			DATE																						